



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Second Floor/Director's Office Fax: (503) 378-5518

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

November 17, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Florence Plan Amendment
DLCD File Number 003-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 4, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

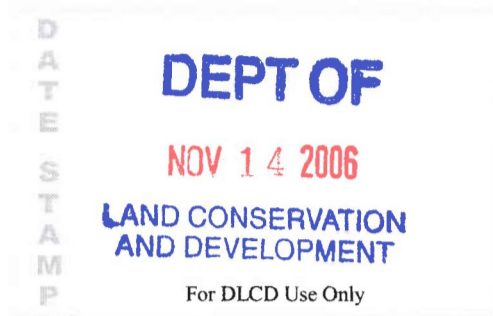
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Wendy Farley, City of Florence

<paa> ya



2 Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Florence Local file number: PC 06 22 AN 01

Date of Adoption: 11/7/2006 Date Mailed: 11/9/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 8/23/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Request for annexation and Restricted Residential zoning designation of approximately 79.4 acres located in the City's Urban Growth Boundary, west of Munsel Lake Road, south of Ocean Dunes Golf Course, north of the Hatch Tract, and east of the Willow Dunes Subdivision. Map Reference 18-12-23. Tax Lots, 400, 900, and 901.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Same

Plan Map Changed from: _____ to: _____

Zone Map Changed from: No current Zoning Designation (outside City Limits. to: Restricted Residential

Location: Map. Ref. 18-12-23 TL 400, 900, and 901 Acres Involved: 79.4

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 14 Urbanization

Was an Exception Adopted? YES NO

DLCD File No.: 003-06 (15491)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Lane County, Siuslaw Valley Fire District, Heceta Water District

Local Contact: **Wendy Farley** Phone: **(547) 997-8237** Extension: _____

Address: **250 Highway 101 N** City: **Florence**

Zip Code + 4: **97439-** Email Address: **wendy.farley@ci.florence.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

RESOLUTION NO 27, SERIES 2006

A RESOLUTION FURTHERING ANNEXATION TO THE CITY OF FLORENCE OF
THE TERRITORY DESCRIBED AS MAP NO. 18-12-23, Tax Lots 400,900, and 901.

WHEREAS the City Council is authorized by ORS 199.490(2)(B) to initiate an annexation upon receiving consents in writing from a majority of the electors registered in the territory proposed to be annexed and written consents from the owners of more than half the land in the territory proposed to be annexed; and

WHEREAS the City Council has received the necessary "consents" in sufficient numbers to meet the annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490(2)(B); and

WHEREAS the part of the territory that lies in the Siuslaw Rural Fire Protection District would, by operation of ORS 199.510(2)(a), be automatically withdrawn from that district immediately upon consummation of the annexation to the city; and,

NOW THEREFORE BE IT RESOLVED BY THE CITY OF FLORENCE, a municipal corporation of the State of Oregon, at a regular meeting held on the 6th day of November, that:

Section 1. The Florence City Council hereby recommends approval of the proposed annexation depicted on attached map marked Exhibit A, showing the affected territory to be annexed and its relationship to the present City boundaries

Section 2. The Restricted Residential Zoning District is approved for the parcels described as Map No.18-12-23, Tax Lots 400, 900, and 901, with a minimum lot size of 9,000 square feet.

Section 3. Future development and utilities and location of those utilities **will** be reviewed when a land use application is processed by the City.

Section 4. The City Recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Lane County Local Government Boundary Commission at once.

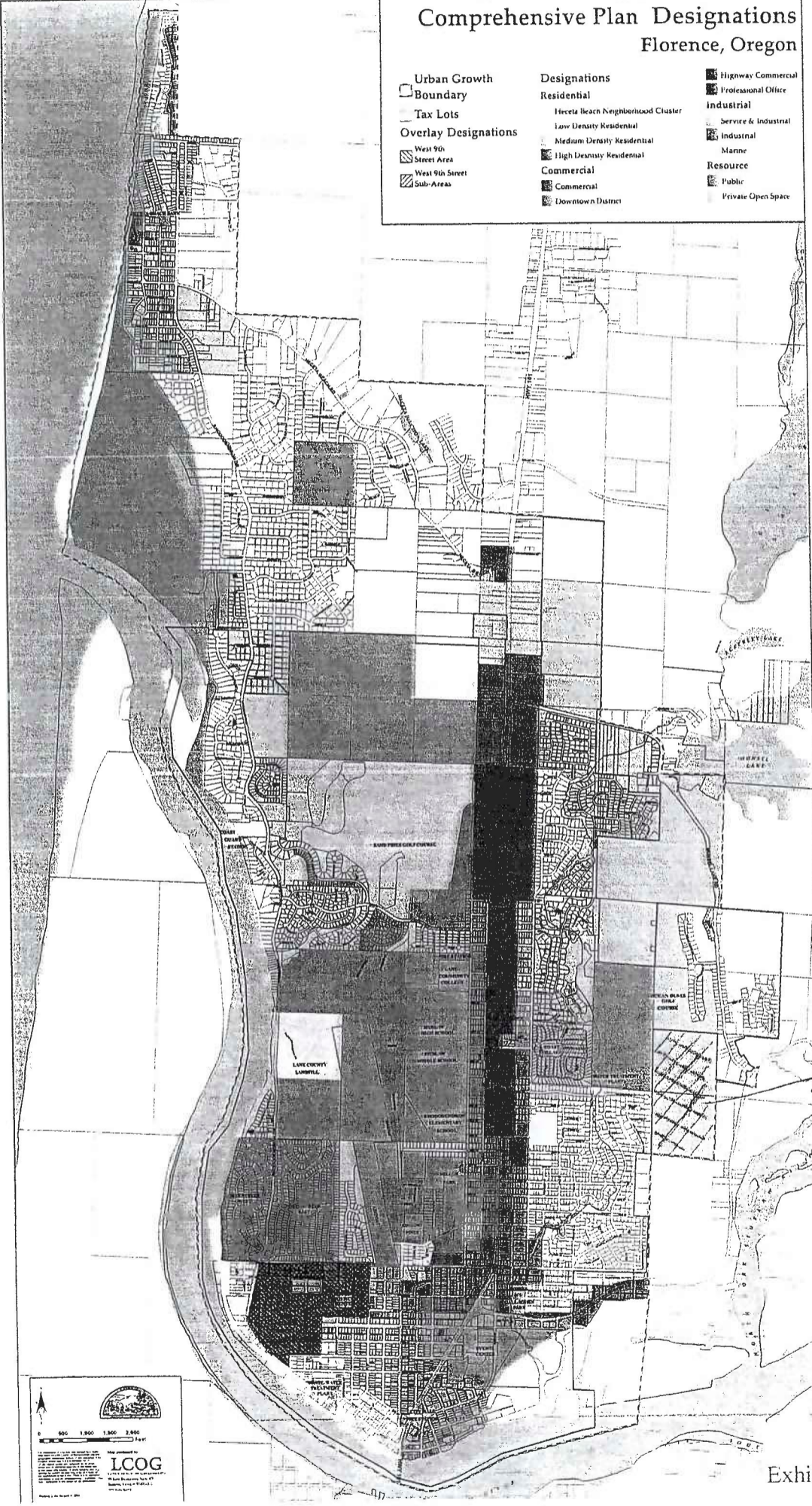
APPROVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE this 6th day of November, 2006.

Phil Brubaker, Mayor



Comprehensive Plan Designations Florence, Oregon

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| <ul style="list-style-type: none"> Urban Growth Boundary Tax Lots Overlay Designations <ul style="list-style-type: none"> West 9th Street Area West 9th Street Sub-Areas | <ul style="list-style-type: none"> Designations <ul style="list-style-type: none"> Residential <ul style="list-style-type: none"> Heceta Beach Neighborhood Cluster Low Density Residential Medium Density Residential High Density Residential Commercial <ul style="list-style-type: none"> Commercial Downtown District | <ul style="list-style-type: none"> Highway Commercial Professional Office Industrial <ul style="list-style-type: none"> Service & Industrial Industrial Resource <ul style="list-style-type: none"> Public Private Open Space |
|--|--|---|



Annexation area

0 500 1000 1500 2000 Feet

ICOG

 Inland Clatsop County

 Planning and Economic Development

 1000 1/2 Street, Astoria, Oregon 97103

 Phone: 503-325-2100

 Fax: 503-325-2101

 Website: www.icog.org

Exhibit "A"

AGENDA ITEM SUMMARY

ITEM NO. 4 

FLORENCE CITY COUNCIL

Meeting Date:
Department:

November 6th, 2006
Community Services

ITEM TITLE: Annexation of property described as Map No. 18-12-23, Tax Lots 400, 900, and 901.

DISCUSSION/ISSUE: The applicant has petitioned for annexation of 79.94 acres into the City of Florence city limits and change of Zoning Map Designation from Lane County Public Reserve/Beaches and Dunes/Interim Urbanizing/Site Review (PR/BD/U/SR) to the City's zoning designation of Restricted Residential (RR). The site is located east of the Willow Dunes Subdivision, north of the Hatch Tract, and south of the Planned Unit Development located on the Ocean Dunes Golf Course. The site is the current location of the Ocean Dunes Golf Links, and is the 2000/2020 Comprehensive Plan designates the subject property as Private Open Space. Abutting properties to the north, and west are located in the Florence City Limits and are zoned Restricted Residential.

In 2004 the City of Florence and Lane County amended the Florence Urban Growth Boundary (UGB) in part by adding property into the UGB that included part of the Ocean Dunes Golf Links and additional undeveloped property. Since then, both the golf course and the adjacent property have been purchased by a partnership that also operates the golf course. It is their intent to develop the property around and south of the existing golf course into a residential development that is integrated into the golf course. The applicant upon approval of the annexation and zone change, plan to submit an application to the City of Florence for a Planned Unit Development (PUD) consistent with the city's standards and development regulations.

In order to realize this objective, the owners need to annex the 79.94 acres of property into the city limits of Florence and rezone it consistent with the City's Comprehensive Plan. The annexation and zone change will allow this area to be developed as a residential neighborhood to current City standards. The applicant's properties are located outside the Heceta Water District. Currently, the site is served by the Siuslaw Valley Rural Fire Protection District (SVRFPD). The City contracts with SVRFPD for fire protection. Under Oregon Revised Statutes (ORS), lands are automatically withdrawn from fire districts upon completion of annexation. Following annexation, the parcels would be served under the City's contractual agreement with the SVRFPD.

Section 10-1-3 of the Florence City Code Title 10 (Zoning) describes the conditions for the zoning of the annexed areas. It states:

"The City Council may establish zoning and land-use regulations that become effective on the date of annexation. This zoning designation shall be consistent with the objectives of the Florence Comprehensive

Plan and Zoning Code. When zoning is not established at the time of annexation, an interim zoning classification most nearly matching the existing County zoning classification shall be automatically applied until the City Council establishes zoning and land use regulations in accordance with the conditions and procedures of Chapter 1 of this Title.”

Based on this provision, the applicant requests zoning of the three parcels, which are currently zoned PR/BD/U/SR to the City's Restricted Residential (RR) Zoning District, at the time of annexation. The purpose of the RR zoning district is intended to provide a quality environment for low density, urban single-family residential use and other single family or Planned Unit Developments as determined to be necessary and/or desirable.

The Florence City Code and State Land Use Goal 14 establish criteria for conversion of urbanizable land (lands within the UGB outside City Limits) to urban lands (lands within the City).

The criteria are:

1. Orderly, economic provisions for public facilities and services;
2. Availability of sufficient land for various uses to insure choices in the market place;
3. Conformance with the acknowledged City of Florence Comprehensive Plan; and
4. Encouragement of development within urban areas before conversion of urbanizable lands.

The Planning Commission held a hearing on the annexation on October 10th, 2006 in which they moved to forward this annexation request to the City Council for hearing and action.

On October 26, 2006 the City Council opened a public hearing pertaining to the annexation of the property described above. It was brought to staff's immediate attention that Ordinance No. 15, Series 2003, An ordinance amending the 2000/2020 Florence Comprehensive Plan Urban Growth Boundary included a recital that stated, "Whereas, the landowner of the Ocean Dunes 80 acre parcel has offered the City land in fee for street and utility purposes upon annexation, which will allow implementation of a looped water system." The public hearing was continued to allow the City to seek legal council in regards to the recital in the 2003 Ordinance.

The response from the City's attorney is that the recital in the 2003 Ordinance does not have a legal obligation as an ordinance recital, in and of itself, does not create a legal obligation. It is the text that follows the ordaining clause that has real legal significance. In some cases, an ordinance specifically incorporates the recitals by stating so in a section that follows the ordaining clause. The 2003 ordinance does

not incorporate the recitals following the ordaining clause – therefore there is no legal obligation.

The applicant has not submitted a land-use application for development on these parcels. When a land-use application is submitted streets and utilities, and locations of streets and utilities will be reviewed for consistency of city standards.

FISCAL IMPACT: Fiscal impacts are minimal. The city will receive property tax revenues from these properties, but will also serve them with water, sewer, streets, and other urban services.

ALTERNATIVES:

1. Return this item to the Planning Commission with a copy of Ordinance No. 15, Series, 2003.
2. Adopt Resolution 27, Series 2006, approving request for annexation of Map Reference No. 18-12-23 Tax Lots, 400, 900, and 901 in compliance with the last "Whereas" recital in Ordinance No. 15, Series 2003, and forward the request to the Lane County Local Government Boundary Commission.
3. Adopt Resolution 27, Series 2006, approving request for annexation of Map Reference No. 1-18-23 Tax Lots, 400,900, and 901 and forward the request to the Lane County Local Government Boundary Commission, with the understanding that future development and utilities and location of those utilities will be reviewed when a land use application is processed by the City.
4. Deny Resolution 27, Series 2006, approving request for annexation of Map Reference No. 18-12-23 Tax Lots, 400, 900, and 901.
5. Direct staff in alternative action.

RECOMMENDATION: Adopt Resolution 27, Series 2006 approving annexation of Map Reference No. 18-12-23, Tax Lots 400, 900, and 901 and forward the annexation to the Lane County Government Boundary Commission, with the understanding that future development and utilities and location of those utilities will be reviewed when a land use application is processed by the City.

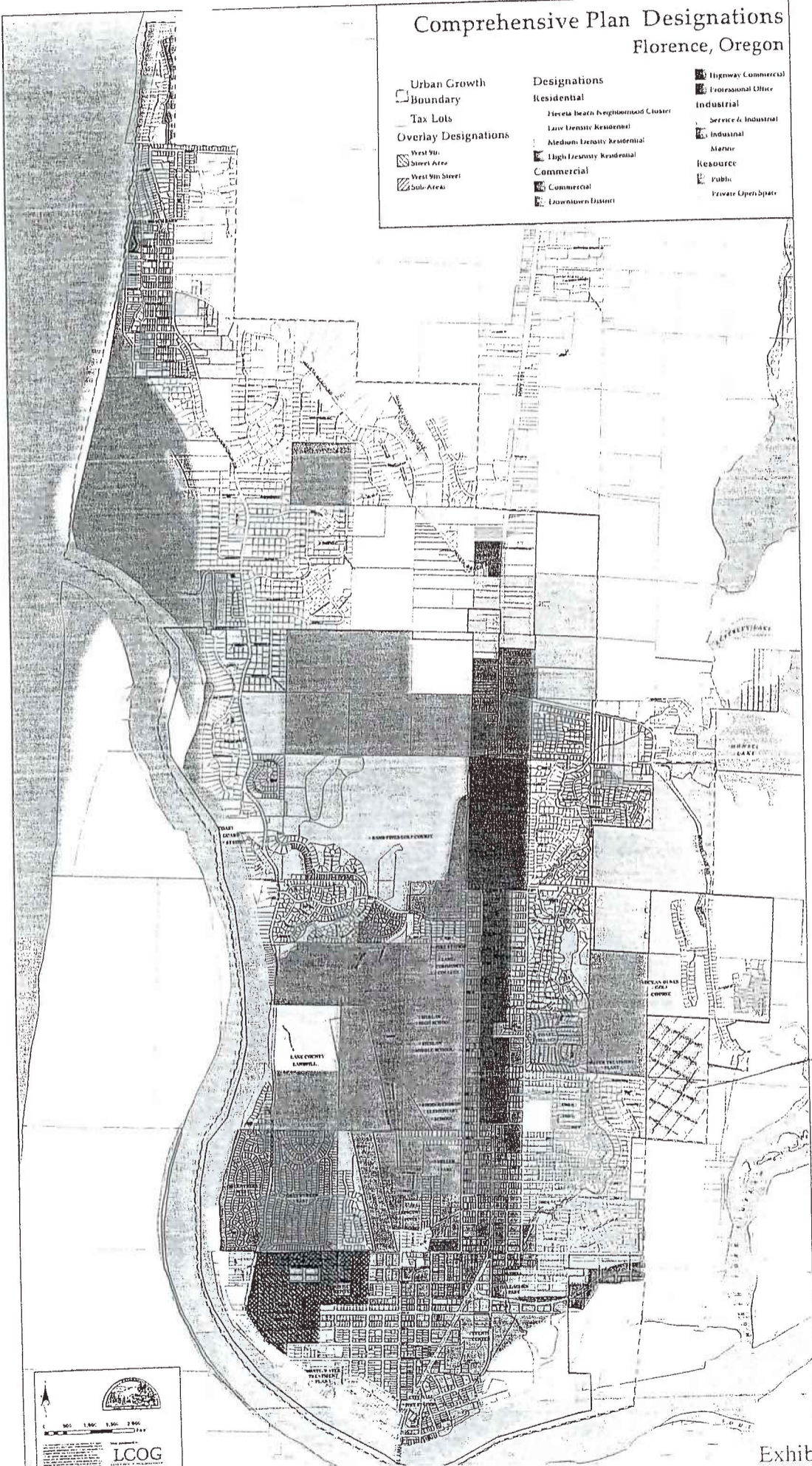
CITY MANAGER'S RECOMMENDATION: Approve/Disapprove/Other

ITEMS UNDER SEPARATE COVER:

- Exhibit "A" Site Map of Map Reference No. 18-12-23 TL 400, 900, 901
 - October 10th, 2006, Planning Commission Staff Report.
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Comprehensive Plan Designations Florence, Oregon

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|---|--|---|
| <ul style="list-style-type: none"> Urban Growth Boundary Tax Lots Overlay Designations <ul style="list-style-type: none"> West 9th Street Area West 9th Street Sub-Area | <ul style="list-style-type: none"> Designations Residential <ul style="list-style-type: none"> Heceta Beach Neighborhood Cluster Low Density Residential Medium Density Residential High Density Residential Commercial <ul style="list-style-type: none"> Commercial Downtown District | <ul style="list-style-type: none"> Highway Commercial Professional Office Industrial <ul style="list-style-type: none"> Service & Industrial Industrial Marine Resource <ul style="list-style-type: none"> Public Private Open Space |
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Annexation area

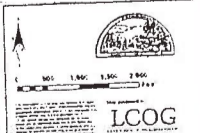


Exhibit "A"

STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Planning Commission
Exhibit "A"

Public Hearing Date: October 10, 2006
Date of Report: October 3, 2006
Application: PC 06 20 ANN 01

I. PROPOSAL DESCRIPTION

1. Proposal: Randy Curtola requests approval of annexation of 79.94 acres into the City of Florence city limits and change of Zoning Map Designation from Lane County Public Reserve/Beaches and Dunes/Interim Urbanizing/Site Review (PR/BD/U/SR) to the City's zoning designation of Restricted Residential (RR).

2. Applicant: Randy Curtola, LLC

3. Location: Located south of the existing Ocean Dunes Golf Links, west of Munsel Lake Road, east Willow Dunes subdivision and adjacent to the existing city of Florence city limits.

Map No. 18-12-23 TL 400,900,901

4. Comprehensive Plan Map Designation: Private Open Space

5. Surrounding Land Use/Zoning

Site: Vacant / County Jurisdiction
North: Residential/Golf Links / Restricted Residential
South: Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians / Trust Lands
East: Munsel Lake Road / County Jurisdiction
West: Residential / Restricted Residential

6. Correspondence /Referrals:

Notice was mailed to property owners within 300 feet of the site and published in the Siuslaw News on September 27th, 30th and October 7th, 2006.

II. APPLICABLE REVIEW CRITERIA:

1. Florence City Code – Zoning Regulations

FCC 10-1 Zoning Administration

2. Other Planning Documents:

2020 Florence Comprehensive Plan, State Land Use Goal 14 – Urbanization, ORS 199.490(2) -- Annexation to Cities – Double Majority Method

- III. **NARRATIVE:** Randy Curtola requests approval of annexation of 79.94 acres into the City of Florence city limits and change of Zoning Map Designation from Lane County Public Reserve/Beaches and Dunes/Interim Urbanizing/Site Review (PR/BD/U/SR) to the City's zoning designation of Restricted Residential (RR).

In 2004 the City of Florence and Lane County amended the Florence Urban Growth Boundary (UGB) in part by adding property into the UGB that included part of the Ocean Dunes Golf Links and additional undeveloped property. Since then, both the golf course and the adjacent property have been purchased by a partnership that also operates the golf course. It is their intent to develop the property around and south of the existing golf course into homes sites of varying density that are integrated into the golf course.

In order to realize this objective, the owners need to annex the 79.94 acres of property into the city limits of Florence and rezone it consistent with the City's Comprehensive Plan. The annexation and zone change will allow this area to be developed as a residential neighborhood to current City standards.

The applicant upon approval of the annexation and zone change, plan to submit an application to the City of Florence for a Planned Unit Development (PUD) consistent with the city's standards and development regulations.

Section 10-1-3 of the Florence City Code Title 10 (Zoning) describes the conditions for the zoning of the annexed areas. It states:

"The City Council may establish zoning and land-use regulations that become effective on the date of annexation. This zoning designation shall be consistent with the objectives of the Florence Comprehensive Plan and Zoning Code. When zoning is not established at the time of annexation, an interim zoning classification

most nearly matching the existing County zoning classification shall be automatically applied until the City Council establishes zoning and land use regulations in accordance with the conditions and procedures of Chapter 1 of this Title."

Based on this provision, the applicant requests that the zoning of the three parcels, which are currently zones PR/BD/USR to the City's Restricted Residential (RR) Zoning District, at the time of annexation. The purpose of the RR zoning district is intended to provide a quality environment for low density, urban single-family residential use and other single family or Planned Unit Developments as determined to be necessary and/or desirable. The applicant's intent is to follow the annexation and zone change approval with a request for approval of a Planned Unit Development, consistent with existing Comprehensive Plan Designation of Private Open Space.

IV. REVIEW OF APPLICABLE CRITERIA:

Consistency with the Florence Standards for Annexation:

Chapter 14, Urbanization of the Florence Comprehensive Plan identifies four criteria for the conversion (annexation) of land within the UGB outside City Limits. They include the following:

- a) Orderly, economic provision for public facilities and services;
- b) Availability of sufficient land for various uses to insure choices in the market place;
- c) Conformance with the acknowledged City of Florence Comprehensive Plan;
- d) Encouragement of development within urban areas before conversion of urbanizable lands.

A) Orderly, economic provision for public facilities and services:

RESPONSE: The applicant has provided the following narrative.

Water: The properties to the north, northeast, and west of the subject property are within the city limits. The property to the north is zoned Private Open Space and is developed with the golf course and homes. Southwest and northeast of the site, properties are developed as Restricted Residential with minimum 9,000 sq.ft. lots. Northwest of the site is property designated Public Open Space. All of the developed

properties are served by City water and sewer systems. Southeast and south of the property is land owned by the Coos, Lower Umpqua, and Siuslaw Confederated Tribe; and to the east are developed private residential lands that abut Munsel Lake Road on the east. The subject property was included in the 2004 UGB expansion specifically to provide the city with better public facilities and services. It was found that inclusion of the land into the UGB would "facilitate the adequate and efficient provision of water, transportation and sewerage services, secure safety from dangers and preserve the quality of Lane County's environment"¹. The County and the City made these findings for this specific area based in part on the fact that the UGB, annexation and eventual development would facilitate improvements to the city's water service.

The benefits that the city and the county understood when they approved the UGB expansion apply to the annexation as well. The annexation will facilitate the provision of a more reliable water service for existing city residents as well as serve the future land area. The existing system includes a single 10" water main transmission line serving the eastern section of the city. The addition of the proposed area within the city will allow for the development of a looped system. This loop will provide more reliable service for those currently receiving water from the city and will also allow water to be extended to the area within the UGB area in the future.

Specifically, the lack of a looped system affects the reliability of the system for both domestic uses as well as meeting fire flow requirements. Looped water systems allow water to be provided to the overall area in the event of a break in the line since the water can be routed in another direction. This redundancy also allows for consistent pressure to be maintained in the distribution lines.

The City also found that the water treatment plant was recently expanded. The expansion added three additional filters and five more dunal wells. This has added 1.4 million gallons per day and allows for an expanded plant capacity of more than three million gallons per day. This additional capacity will allow the city to provide water for the equivalent of 1,600 additional residential units, based on current Florence usage patterns. The city found that the expanded capacity allowed adequate water to the subject area. As the subject property is adjacent to properties inside the city and served by water, the provision of water to the site is orderly and economic.

Sewer: There is existing sewer service to the properties adjacent to the subject area. Sewer service exists to the west of the site in the Willow Dunes subdivision nearing completion. In addition, city sewer exists in the existing Ocean Dunes PUD to the

¹ Lane County Board of Commissioners Ordinance No. PA 1214, adopted October 27th, 2004

north. Opportunities exist for sanitary sewer service at the site by extending sanitary sewer pipe from the north and/or from the southwest corner of the site. According to Jim Branch, the engineering consultant to Ocean Dunes, the existing sewers in the vicinity of the property are adequate in size and in capacity to accommodate future housing provided on the subject property.

Storm water At the time of development and following approval of the annexation, zone change and PUD, storm water design shall provide for storm water quality and storm water quantity using Best Management Practice (BMP) as required by the City of Florence. The golf course design and the anticipated density of the development provide assurance that there is adequate room to provide on-site storm water management.

Roads It is anticipated Regal Drive in the Willow Dunes subdivision will be extended to connect to Munsel Lake Road to provide access for this project. The applicant has purchased a tax lot to the east of Tax lot 400 which will provide direct connection to Munsel Lake Road. Design of the roadway will be determined prior to approval of the PUD.

Jurisdictional Issues: The existing Ocean Dunes residential planned unit development lies within city limits and benefits from public services. A portion of the golf course is located in Lane County, outside the city. Development of the golf course community currently requires the owners to satisfy both the city and the county, each their own regulatory procedures and priorities. Development will have the potential to be more efficient and the delivery of futures services more orderly upon annexation of the property.

Based on these findings, the proposed annexation will assist in facilitating orderly and economic provision of sewer, water and transportation improvements and is consistent with this standard.

Staff comment: Public facilities and services include sewer, water, storm drainage, streets and sidewalks, fire and police protection, and power and communications. Central Lincoln Utility currently provides electricity to the annexation area and will continue to do so following the annexation.

The issue to be addressed at the time of annexation is where these utility services have capacity to serve the proposed annexation. The annexation request is not intended to address details about placement of individual utility lines or other development level utility details. Future hearings on development proposals will occur following annexation and will address specifics in regards to placement of utilities.

Staff finds that orderly, economic provision for public facilities and services exists, as utility services have the capacity to serve the proposed parcels to be annexed.

B) Availability of sufficient land for the various uses to insure choices in the market place:

RESPONSE: The applicant has provided the following narrative:

According to the findings approving the expansion, the inclusion of the Ocean Dunes area into the UGB was predicated on livability issues rather than a strict "need" for residential land. City and County Ordinances approving the UGB expansion state that the amendment to the UGB was not based on needed housing or employment opportunities. However, the UGB expansion was essential to livability based in part on a desire to accommodate the entire Ocean Dunes property within the city's area of control, and to provide the looped water system as explained earlier.

Nonetheless, the inclusion of the Ocean Dunes property will allow additional land to insure additional choices in the housing market place. The owners intend to pursue expansion of the existing PUD and provide a variety of housing options, including attached and detached housing options. Although low in density, it is certain that the variety of housing types will add to the choices in the Florence housing market.

Development of housing at the city's density cannot occur in the County with the County's existing zoning. Therefore, these housing choices will not be provided to existing and future residents of Florence unless the annexation is first approved. Therefore, the city is more likely to realize a broader range of choices in the market place with approval of this annexation than without. Therefore, this request is consistent with this city criterion.

Staff comment: Urbanization of lands within the UGB of Florence has been occurring and will continue to occur as the city provides housing and employment for Florence residents. The findings approving the UGB expansion to include the Ocean Dunes area into the UGB was predicated on livability issues rather than a strict need for residential land. The expansion was essential to provide the looped water system, and to accommodate the entire property within the UGB. The applicant is proposing to develop the property with a residential PUD. This development would promote increased choice in the Florence housing market and also will provide for a looped water system which will provide for a more reliable system for those who already receive water from the City, in the Munsel Lake Road area.

C) Conformance with the acknowledged City of Florence Comprehensive Plan:

The following Goals of the Florence Comprehensive Plan are found to be relevant to this request:

- Chapter 1: Citizen Involvement
- Chapter 2: Land Use (Residential Policies)
- Chapter 5: Open Spaces, Scenic & Historical and Natural Resources
- Chapter 6: Air, Water and Land Quality
- Chapter 7: Development Hazards and Constraints
- Chapter 9: Economic Development
- Chapter 10: Housing Opportunities
- Chapter 11: Utilities and Facilities
- Chapter 12: Transportation System Plan
- Chapter 14: Urbanization

Chapter 1: Citizen Involvement

Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

RESPONSE: The applicant has provided the following narrative:

The city has a plan for notification and inclusion of citizens in the annexation process. In the course of approving the requested Annexation and Zone Change the city will notify residents within 300' feet of the site and conduct at least two public hearings in an open forum – one before the Florence Planning Commission and one before the Florence City Council. Therefore, this request will be reviewed in accordance with the city's acknowledged plan and is consistent with this plan policy.

Staff comment: Staff finds that the request will be reviewed in accordance with the city's acknowledged comprehensive plan and policies and is consistent with the city's citizen involvement program.

Chapter 2: Land Use (Residential Policies)

Goal: To create residential living environments that satisfy a wide variety of local and regional population needs and desires and which add long-term community value.

RESPONSE: The applicant has provided the following narrative:

The Ocean Dunes area was added to the Florence UGB because of its ability to aid in the livability of Florence. This development would allow for a looped water system, provide opportunity for a future road connection and provide consistent regulations for the future development of the golf course property. All of these consequences of development add long term community value and add to the livability of the city, both for existing and future residents. These advantages will only come to pass if the land is developed which is most likely to occur once annexed in the city. Therefore annexation is consistent with this goal.

Staff comment: Staff finds that the annexation request is consistent with this goal as the development would allow for a looped water system, which will aid in the livability of Florence.

Policy 1. The city shall encourage the use of residential planned unit development subdivisions and may trade off some conventional zoning requirements and density limitation in order to achieve: high quality, innovative residential lot and building design; incorporation of unique land forms into the final subdivision design; significant open space not otherwise achievable through a conventional design; on-site amenities reflecting the need for both active and passive recreational facilities; natural resource protection, where identified as part of a preliminary site investigation report; a mix of dwelling unit types and densities, and a mix of residential, commercial and recreational uses, where appropriate.

RESPONSE: The applicant has provided the following narrative:

The Ocean Dunes golf course was developed as a Planned Unit Development (PUD). The subject property is a perfect candidate for development as a PUD based on several unique features which include the potential wetland areas, large size, and a need to accommodate large open spaces. It is the intent of the applicant to apply for a PUD following approval of the annexation and the zone change, but until these fundamental land use changes are in place, it is premature for the owners to incur the substantial cost of designing the PUD.

Therefore, only through annexation can the benefits of the PUD be realized.

Staff comment: Staff finds that the existing Ocean Dunes golf course was developed as a PUD. Staff recognizes that this site is a candidate for development as a PUD based on its size, as current City Code states that the minimum size of a PUD shall be five (5) acres of contiguous land, and has unique features such as wetlands and a need to accommodate large open spaces for the current use of a golf course. Staff finds that it is the applicant's intent to apply for a PUD following approval of the annexation and zone change. The site is currently designated as "Private Open Space" in the Florence Comprehensive Plan and will remain that plan designation. Private Open Space Designation is intended to identify areas where the predominant character is a less intense development pattern consisting of natural uses or open areas. Uses may include crop production, recreation, animal grazing, fish and wildlife habitat, etc. . . . If development occurs in these areas, it shall be in such a manner that maintains the natural features of the site. Natural features include but are not limited to drainage ways, wetlands, scenic vistas, historic areas, groundwater resources, beaches and dunes, sensitive species, etc. . . . Development within a Private Open Space area may occur subject to the Planned Unit Development process. When residential development is permitted within the "Private Open Space" comprehensive plan designation, the golf course use must be the predominant use in order to be considered with the "Private Open Space" designation. Upon Annexation the site will be zoned Restricted Residential. Staff finds that through annexation this parcel would be able to develop as a PUD consistent with the Private Open Space comprehensive plan designation and city standards. Therefore, staff finds that annexation would be consistent with this plan policy.

Policy 11: New residential subdivisions shall dedicate rights-of-way and construct pedestrian and bicycle trails in accordance with the City's Transportation Systems Plan or where the extension of an existing pedestrian and bicycle facility is warranted as a logical extension of that city wide transportation system.

RESPONSE: The applicant has provided the following narrative:

All development will occur consistent with the city's TSP.

Staff comment: Staff finds that annexation would allow the site to develop consistent with the City's TSP, and policy 11.

Chapter 5: Open Spaces, Scenic & Historical and Natural Resources
Goal: To conserve natural resources such as wetlands, riparian areas, groundwater supplies, beaches and dunes, air and water, and wildlife habitat

in recognition of their important environmental, social, cultural, historic and economic value to the Florence area and the central Oregon Coast.

A. Wetlands – Objectives

1. To maintain an accurate inventory of wetlands for use in land use planning and development review.
2. To protect significant wetlands for their critical value in maintaining surface and groundwater quality and quantity, providing wildlife habitat, performing flood control, and enhancing the visual character of the Florence community.

RESPONSE: The applicant has provided the following narrative:

The Florence Local Wetland Inventory Maps (LWI) indicates wetlands on the site. This will require a delineation report that will need to be approved by the Division of State Lands (DSL) prior to development. Once the annexation is approved, and the wetlands are delineated, the impact of development on the wetland can be more fully assessed. The applicant is aware that the appropriate permits must be obtained. The large size of the property (80 acres) and the combination of golf course and low density housing provides an opportunity to have minimal impact on the natural features of the site. Also, by annexing the property, the city is more likely to have involvement in review of development and therefore impacts on the wetlands, than if the site were developed within the County's jurisdiction. Therefore, development of this site can occur within the framework of these plan policies and the annexation is therefore consistent.

Staff comment: Staff finds that LWI indicates wetlands on the site and that development will require a delineation report that will need to be approved by DSL prior to development. Staff finds that annexation of this site will allow development of the site to be reviewed under city codes and policies in regards to natural resource preservation. Staff finds that annexation and future development of the site will occur according to City policies and standards and therefore will be consistent with plan goal and policy.

B. Groundwater Resources

Goal- To protect the quality and quantity of North Florence Dural Aquifer, which has been designated a sole source aquifer by the Federal Environmental Protection Agency and which serves as a drinking water source for the City of Florence.

Objectives: To protect the quality of water which recharges the aquifer.

RESPONSE: The applicant has provided the following narrative:

In some instances groundwater contamination can occur from fertilizer, herbicides, and pesticides used in golf course grounds management. While the course exists and will continue to exist whether it is all within the city limits or not, inclusion within the city limits and future development within the city limits will give the city the opportunity to review the use of fertilizers, pesticides and herbicides use by the grounds crew and identify opportunities to ensure that adequate groundwater protection practices are in place with future development.

Staff comment: The Florence Drinking Water Plan indicates the proposed annexation area may contain potential contaminants sources from both the "higher relative risk" and "moderate relative risk" categories, wells 10, 9, 8, 4, and 3 are impacted by the proposed annexed area. Staff finds that annexation will provide the City the opportunity to review uses on the site and will allow the City to identify opportunities to ensure that adequate groundwater protection practices are in place with future development of the site. Therefore annexation is consistent with this policy goal and objective.

Policy 1: The City shall implement the recommendations of the Storm water Management Plan regarding protection of the aquifer for the City's well field.

RESPONSE: The applicant has provided the following narrative:

The city will have a better opportunity to review the storm water management plan proposed in conjunction with development of the site if it is developed within the city limits of Florence. The applicant has committed to developing a storm water management plan consistent with Best Management Practices.

Development of the site as a PUD within the City of Florence will better promote the City's Comprehensive Plan Policies regarding Natural Resources than if developed within the County.

Staff comment: The Florence Storm Water Management Plan indicates the site is located in the Munsel Creek drainage basin and abuts the "Southeast Stormwater Analysis Region." Staff finds that annexation of the site will initiate the site to be reviewed under all city codes and standards when future development occurs. If this site is developed as a PUD, under current City Code a storm water management plan would be required if development occurs on a 1 acre site or larger. Staff finds that the annexation is consistent with this plan policy as development would allow the City to review a proposed storm water management plan of the site.

Chapter 6: Air, Water and Land Quality

Objective: To maintain the quality of the air, water, and land resources through control of waste and process discharges from future development.

RESPONSE: The applicant has provided the following narrative:

Upon annexation, the City can ensure that future development occurs in accordance with the State of Oregon regulations regarding environmental pollution. Any future development will be subject to City Code regulations regarding erosion. Therefore, annexation of this property is consistent with this standard.

Staff comment: Staff finds that annexation of this property is consistent with plan goal and objective as the City can ensure that future development occurs in accordance with all City, County, and State regulations regarding environmental pollution and hazards.

Chapter 7: Development Hazards and Constraints

Objectives: 1) To protect life and property from natural disasters and hazards; and

2) To retain areas subject to uncontrollable flooding, ponding, or severe erosion in open space until control can be established.

RESPONSE: The applicant has provided the following narrative:

This site is not located in an area identified as a hazard area. At the time of development approval, appropriate measure will be demonstrated to address erosion prevention.

Staff comment: Staff finds that annexation will initiate future development to be reviewed and to meet City standards. Therefore, staff finds that annexation is consistent with this policy plan and objectives.

Chapter 9: Economic Development

Goal: To embrace a stable, prosperous business environment focused on industry diversity, yielding family income sufficient to support education, recreation, social and cultural opportunities, comprehensive health services, affordable housing and public safety while preserving the environment and its natural beauty.

Policies:

Policy 3. The City shall work with appropriate parties to increase tourism revenues.

RESPONSE: The applicant has provided the following narrative:

At the time of the UGB amendment which added the Ocean Dunes property to the boundary, there was recognition that the Golf Course added to the tourism industry within Florence and that controlling its future by allowing all of the housing to be developed and located inside the City, contributed to the financial stability for the Golf Course. Therefore, annexation further cements that stability, and ensures a

predictable business environment for the golf course operators. In addition, the potential to add additional housing around the golf course will aid the future long term health of the golf course operation, ensuring its existence into the future and the provision of a recreational / tourist attraction.

Staff comment: Staff finds that at the time of the UGB amendment which added the Ocean Dunes property to the boundary, there was recognition that the Golf Course added to the tourism industry within Florence and that controlling its future by allowing all of the housing to be developed and located inside the City, contributed to the financial stability for the Golf Course. Staff finds that annexation is consistent with this plan goal and policies.

Chapter 10: Housing Opportunities

Goal: To provide the opportunities and conditions to meet housing needs within the City of Florence and the Urban Service Area.

Objectives: 1) To support a variety of residential types and new concepts that will encourage housing opportunities to meet the housing needs for households of varying incomes, ages, size, taste and lifestyle; 3) To maintain a livable environment by placing open space requirements in residential areas.

RESPONSE: The applicant has provided the following narrative:

As indicated throughout this request, the City did not amend its UGB to include this property on the basis of an inadequate supply of land for housing. Rather, it included the land in order to realize the benefits of several public improvements that could occur if the property were to develop within the City. However, the approval of this annexation will allow for the construction of approximately 100-120 new residential units in conjunction with the existing golf course development. The large amount of land, the presence of the existing golf course, and the topography allow for a quality residential community which takes advantage of the open space. Therefore, upon annexation, the City will have better opportunity to provide additional housing opportunities than if this property were not annexed and developed.

Staff comment: Staff recognizes that the City did not amend its UGB to include this property on the basis on an inadequate supply of land for housing but rather it included the land in order to realize the benefits of several public improvements that could occur if the property were to develop within the City. The annexation would allow provision of a more reliable water service for existing city residents as well as serve the future land area in developing a looped water system. Staff also recognizes that the annexation will allow for the construction of new residential units and will provide more housing opportunities as the site can be developed to city density standards while taking into account the advantages of the open space. Therefore, staff finds that annexation is consistent with this plan goal and objectives.

Chapter 11: Utilities and Facilities

Goal A. Wastewater Collection and Treatment – To provide cost effective collection and treatment of wastewater consistent with projected population growth and development needs.

RESPONSE: The applicant has provided the following narrative:

According to the engineering consultant, opportunities exist for the proposed development to be connected to the sanitary sewer system from three directions – the north, northeast, and/or the southwest corner of the site. The existing sanitary sewers in the vicinity have adequate capacity.

Goal B. Water System Supplies and Needs – To provide an adequate supply of potable water for domestic, business and industrial needs as well as sufficient water for fire protection, all in a cost effective manner.

Policy 5. The City shall continue to maintain and upgrade the distribution system as necessary to meet anticipated demand.

RESPONSE: The applicant has provided the following narrative:

The subject property was included in the 2004 UGB expansion specifically to provide the city with better public facilities and services. It was found that inclusion of the Ocean Dunes land along with other property into the UGB would "facilitate the adequate and efficient provision of water, transportation and sewerage services, secure safety from dangers and preserve the quality of Lane County's environment"². The County and the City made these findings for this specific area based in part on the fact that the UGB annexation and eventual development would facilitate improvements to the city's water service

The benefits that the city and the county understood when they approved the UGB expansion apply to the annexation as well. The annexation will facilitate the provision of a more reliable water service for existing city residents as well as serve the future land area. The existing system includes a single 10" water main transmission line serving the eastern section of the City. The addition of the proposed area within the city will allow for the development of a looped system. This loop will provide more reliable service for those currently receiving water from the city and will also allow water to be extended to the area within the UGB area in

² City of Florence Ordinance No. PA 1214 Findings page 7 and incorporated into Lane County Board of County Commissioners Ordinance No. PA 1214 adopted October 27, 2004

the future. Specifically, the lack of a looped system affects the reliability of the system for both domestic uses as well as meeting fire flow requirements.

Looped water systems allow water to be provided to the overall area in the event of a break in the line since the water can be routed in another direction. This redundancy also allows for consistent pressure to be maintained in the distribution lines.

The City also found that the water treatment plant was recently expanded. The expansion added three additional filters and five more dunal wells. This has added 1.4 million gallons per day and allows for an expanded plant capacity of more than three million gallons per day. This additional capacity will allow the city to provide water for the equivalent of 1,600 additional residential units, based on current Florence usage patterns. The city found that the expanded capacity allowed adequate water to the subject area. Based on these findings, the request is consistent with this plan policy.

Goal C. Storm water Management – To provide a storm water system that enhances and maintains livability through balanced, cost effective solutions to storm water management.

Policy 1. The City shall encourage on-site retention of storm water. However, in instances where flows are in excess of that generated on-site, or where site conditions make this physically impracticable, a combination of piped systems and natural drainage systems may carry storm water off-site to approved collection or dispersion facilities.

RESPONSE: The applicant has provided the following narrative:

Development of the site as a PUD inside the City limits will ensure that the storm water is managed in a manner consistent with city policies, including implementation of Best Management Practices (BMPs). The existence of the golf course provides a unique opportunity to manage storm water on-site in a manner which benefits both the environment and the recreational amenity.

Goal D. Parks, Recreation and Open Space

Goal: To provide a variety of recreational opportunities and to provide open space and protect unique areas of the City.

RESPONSE: The applicant has provided the following narrative:

The city values the existence of Ocean Dunes golf course and acknowledges the value it adds to the economic well being of the city. The ability to include housing around the golf course will contribute to the financial viability and success of the golf

course, contributing to its economic stability. Therefore, the annexation and thereby accommodation of future development will aid in the continuation of this public recreational resource.

Goal G. Fire Protection

RESPONSE: The applicant has provided the following narrative:

The development of the subject property will result in the provision of a looped water system, which will improve the reliability of the system for both domestic uses as well as meeting fire flow requirements. Therefore, the annexation will allow development which will bring the looped water system closer to fruition.

Staff comment: The property is currently located within the Siuslaw Fire and Rescue District. Through annexation the site would be removed from that district and receive contractual services from the city via Siuslaw Valley Fire and Rescue. Staff finds that the annexation will maintain and upgrade the water distribution system as necessary to meet anticipated demand and support a looped water system. Staff finds that development of the site as a PUD inside the City Limits will ensure that the storm water is managed in a manner consistent with city policies, including the use of Best Management Practices (BMPs) for stormwater facilities. Staff finds that the annexation is consistent with plan policies, goals, and objectives found in Chapter 11, "Utilities and Facilities," in the Florence Comprehensive Plan.

Chapter 12: Transportation System Plan

All development will be reviewed for its consistency with the TSP.

Staff comment: Staff finds that upon annexation future development will be reviewed for its consistency with the TSP.

Chapter 14: Urbanization

Goal: To provide for an orderly and efficient transition from County/rural land uses to City/urban land uses.

This property has been moved into the Florence UGB and is therefore considered urbanizable. Therefore, this Chapter is not relevant to the annexation.

Staff comments: Staff finds that lands that have moved into the Florence UGB are considered urbanizable. As discussed above staff finds that this annexation will provide for an orderly and efficient transition from county/rural land uses to city/urban land uses.

D) Encouragement of development within urban areas before conversion of urbanizable areas.

The subject area is defined as an urbanizable area. However, this project has the unique advantage of improving the water system for existing urban areas of the city. By adding the property to the city's territory, the surrounding neighborhoods, and the city as a whole will benefit from the looped water system. Therefore, there is a reason to annex and allow development to occur prior to the complete build-out of other urban areas. This criterion does not prohibit the development of urbanizable areas prior to the urban areas and therefore, annexation should be encouraged. In addition, the development opportunities provided by the Ocean Dunes PUD, promotes a tourism opportunity not afforded to other urban residential and undeveloped properties. For this unique reason, annexation is consistent with this criterion.

Based on the evidence presented in this application, the request of annexation satisfies the city criteria and standards.

Staff comment: Staff finds that the subject property is defined as urbanizable as it is located within the Florence UGB. Staff finds that this would not prohibit the development of urbanizable areas prior to the urban areas. Staff finds that annexation would allow the opportunity for future development to be consistent with City codes and standards. It will also provide the opportunity to improve the existing water system for City of Florence which will provide for more reliable water service for existing city residents, and future developments. Therefore staff finds that annexation is consistent with this criterion.

V. Alternatives to Proposed Request

1. Approve the annexation request, variance to street width request, based on the findings and reasons specified in this staff report.
2. Modify the findings, reasons or conditions, and approve the request as modified.
3. Deny the application based on findings of non-compliance with City regulations and describe the revised findings.

VI. Conclusions and Recommendations:

Staff concludes that the evidence in the record demonstrates that the applicable criteria have been met, and recommends in favor of this annexation. Staff also recommends that upon annexation, the Restricted Residential be applied to the subject property. The Restricted Residential

zoning is consistent with the adopted comprehensive plan designation of Private Open Space.

Lastly, staff recommends that if the property is annexed, it be removed from the Siuslaw Valley Rural Fire Protection District and fire protection services be provided via contractual arrangement through the City of Florence

Approval shall be shown on:

"A" Findings of Fact	"C" Submitted Application of 8/25/2006
"B" Map and Tax Lot Designation	"D" Comprehensive Plan Designation & Zoning Map(s)

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved maps will require approval by the Planning Commission/Design Review Board

PASSED BY THE FLORENCE PLANNING COMMISSION, this 10th day of October, 2006.

_____ without modification

_____ with the following modification

RESOLUTION NO 27, SERIES 2006

**A RESOLUTION FURTHERING ANNEXATION TO THE CITY OF FLORENCE OF
THE TERRITORY DESCRIBED AS MAP NO. 18-12-23, Tax Lots 400,900, and 901.**

WHEREAS the City Council is authorized by ORS 199.490(2)(B) to initiate an annexation upon receiving consents in writing from a majority of the electors registered in the territory proposed to be annexed and written consents from the owners of more than half the land in the territory proposed to be annexed; and

WHEREAS the City Council has received the necessary "consents" in sufficient numbers to meet the annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490(2)(B); and

WHEREAS the part of the territory that lies in the Siuslaw Rural Fire Protection District would, by operation of ORS 199.510(2)(a), be automatically withdrawn from that district immediately upon consummation of the annexation to the city; and,

NOW THEREFORE BE IT RESOLVED BY THE CITY OF FLORENCE, a municipal corporation of the State of Oregon, at a regular meeting held on the 6th day of November, that:

Section 1. The Florence City Council hereby recommends approval of the proposed annexation depicted on attached map marked Exhibit A, showing the affected territory to be annexed and its relationship to the present City boundaries

Section 2. The Restricted Residential Zoning District is approved for the parcels described as Map No.18-12-23, Tax Lots 400, 900, and 901, with a minimum lot size of 9,000 square feet.

Section 3. Future development and utilities and location of those utilities will be reviewed when a land use application is processed by the City.

Section 4. The City Recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Lane County Local Government Boundary Commission at once.

APPROVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE this 6th day of November, 2006.

Phil Brubaker, Mayor

ATTEST:

Barbara Miller, City Recorder



1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

Michael C. Robinson
PHONE: (503) 727-2264
EMAIL: MRobinson@perkinscoie.com

November 1, 2006

VIA EMAIL

Mayor Phil Brubaker
City of Florence City Hall
250 Highway 101
Florence, Oregon 97439

**Re: Annexation Application by Randy Curtola and Greg Reznick; City of
Florence File No. PC 06 20 ANN 01**

Dear Mayor Brubaker and Members of the Florence City Council:

This office represents the applicants for annexation of approximately eighty (80) acres described as Map No. 18-12-23, Tax Lots 400, 900 and 901. Mr. Curtola and Mr. Reznick asked me to write this short letter explaining why the Florence City Council should follow the unanimous recommendation of the Florence Planning Commission and approve the annexation application.

Debby Todd submitted a letter to the City Council dated October 16, 2006 after the Planning Commission hearing. Ms. Todd's letter raises three (3) issues and asks the City Council to reject the annexation. As explained below, the fact that Ms. Todd's letter was not before the Planning Commission makes no difference to the recommendation received by the City Council. Additionally, none of the issues in Ms. Todd's letter provide a basis for denial of the annexation application.

1. The City has sufficient water supply to serve the annexation site.

Ms. Todd's letter states that the City has an insufficient water supply to service this site without affecting water service to existing water users. Her letter states that the Heceta Water District may revisit the existing provision of services policy between the City and

91004-0005/LEGAL12070199.1

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Perkins Coie LLP and Affiliates

Mayor Phil Brubaker and Members of the Florence City Council
November 1, 2006
Page 2

the District in November. It is entirely speculative as to what action the District may take in November but, in any event, the City Council is scheduled to decide this application on November 6, 2006. The evidence in the record before the City Council is the basis for the City Council's decision. Speculative, future actions by the District cannot be a basis for the City Council's decision on the issue of sufficient water supply.

Exhibit A to the City's Urban Growth Boundary ("UGB") analysis is the UGB Study and Report, Ordinance No. 15, Series 2003, Page 9 of the report concludes that the City has a water supply that is adequate to provide more than its peak summer demand. The City relied on the evidence in Exhibit A to include this annexation site within its UGB which has been acknowledged by the Department of Land Conservation and Development ("DLCD"). Pages 14 and 15 of the staff report for the annexation application relies on Exhibit A and states that for Area 2: "The City is completing extension of its water treatment plant for potable water. The expansion added three additional filters and five more dunal wells. This has added 1.4 million gallons per day and allows for an expanded capacity plant capacity of more than 3 millions gallons per day. The additional capacity will allow the City to provide water for the equivalent of 1,600 additional residential units, based on current Florence usage patterns. With the expanded capacity, the City has the capacity to provide water to the expanded area."

The City Council can find that Exhibit A is substantial evidence to determine that there is adequate water to serve the annexation site.

2. There is no agreement between the City and the prior property owner for conditions of annexation.

Ms. Todd argues that the City and the prior property owner, Mr. William Robinson, reached a "deal" for inclusion of the property within the UGB which would provide, upon annexation, the transfer of well rights from Mr. Robinson to the City, the provision for a 60-foot wide road and utilities along the south side of the land and dedication of a portion of the property for a park along the boundary adjacent to the tribal land. However, the ordinance amending the UGB, (Ordinance No. 15, Series 2003) did not include these requirements as either findings or conditions. Instead, the Florence City Council found that the UGB expansion criteria had been satisfied as demonstrated in Exhibit "A", the UGB Study and Report. The report at Page 7 mentions only the possibility of additional right-of-way to provide for a loop water line.

Mayor Phil Brubaker and Members of the Florence City Council
November 1, 2006
Page 3

The recital paragraphs in Ordinance No. 15 are not findings nor do they constitute an agreement. Nevertheless, it is certainly possible through subsequent development of this site to provide the necessary right-of-way for a looped water system.

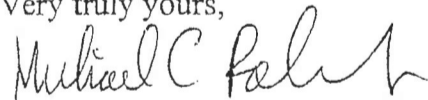
3. The application complies with applicable Florence Comprehensive Plan policies.

Ms. Todd argues that the application is inconsistent with the UGB annexation ordinance. She reaches this conclusion because she believes that there is an agreement which is not satisfied by the annexation proposal. Neither the ordinance nor Exhibit "A" to the ordinance reference an annexation agreement. Moreover, while ORS 222.115 requires that a contract between a city and a land owner for extraterritorial provision of service and consent to subsequent annexation be recorded and be binding on all successors, this property does not involve the extension of extraterritorial services. Therefore, ORS 222.115 is inapplicable to this application.

4. Conclusion.

The City Council can find that the applicable approval criteria for annexation are satisfied. While Mr. Curtola and Mr. Reznick understand Ms. Todd's comments, none of them provide a reason for the City Council to reject the unanimous recommendation of the Planning Commission and not approve this annexation. In fact, as the staff report points out at Pages 14 and 15, annexation will assist the City in obtaining right-of-way for the looped water system. For these reasons, the applicants respectfully request that the City Council approve the annexation application.

Very truly yours,



Michael C. Robinson

MCR/cfr

cc: Ms. Marty Stiven (via email)
Mr. Randy Curtola (via email)
Mr. Greg Reznick (via email)

provided the city maintain the trails and park. Again, this is offered, if I am brought (sic) into the City."

3. **Does not comply with adopted Comprehensive Plan.** The City's Comprehensive Plan is a collection of Ordinances. This annexation does not comply with the City's Ordinance No. 15, Series 2003 which clearly states that the parcel being considered for annexation was included inside the UGB based, in part, upon the agreement embodied in the letter, which is included as part of the meeting packet before the hearing, as well as part of the official meeting record of the August 4, 2003 City Council Hearing wherein the Urban Growth Boundary was amended.

Oregon Revised Statutes:

ORS 222.115 Annexation contracts; recording; effect. A contract between a city and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner shall be recorded and, when recorded, shall be binding on all successors with an interest in that property.

For these reasons, the annexation request should be denied.



Debby Todd

c: Dave Perry, DLCD via fax 541-563-4022

Attached:

June 14, 2003 letter from Ocean Dunes Golf Links
Ordinance No. 15, Series 2003

FROM

(MON) OCT 16 2006 29/ST.15 28/N 5163352 P 3

ORDINANCE NO. 15, SERIES 2003

AN ORDINANCE AMENDING THE 2000/2020 FLORENCE COMPREHENSIVE PLAN
URBAN GROWTH BOUNDARY

WHEREAS, in June 2000, the Planning Commission recommended certain amendments to the Florence Urban Growth Boundary by Resolution No. 00-6-27-32, and

WHEREAS, after hearing testimony, and deliberating on that testimony, the City Council modified that recommendation by removing certain lands north of Munsel Lake Road west of Munsel Lake and adding lands east and west of North Fork Road including the Hatch Tract, and adopted a modified Urban Growth Boundary in January 2002, and

WHEREAS, the City and Lane County have signed a Joint Agreement for Planning Coordination within the Urban Growth Boundary, and

WHEREAS, the City and Lane County are now in hearings and deliberation on the joint adoption of the Florence Urban Growth Boundary as required for the completion of the City's periodic review, and

WHEREAS, the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians had requested the inclusion of the Hatch Tract within the Urban Growth Boundary to facilitate the provision of city services to that parcel, and

WHEREAS, the proposed agreement between the City and the Confederated Tribes for the provision of city services to the Hatch Tract was withdrawn by the Confederated Tribes effective May 6, 2003 at 5:00 pm, and

WHEREAS, the City's need for a looped water system, particularly for the provision of improved water distribution to lands generally east of the City's Water Treatment Facility, both those lands already annexed to the City and also those lands within the Urban Growth Boundary as contained in the Florence 1988 Comprehensive Plan, can be met by the inclusion of the approximately 80 acres of land owned by Ocean Dunes Golf Course without the inclusion of the North Fork Road right-of-way within the Urban Growth Boundary, and

WHEREAS, the landowner of the Ocean Dunes 80 acre parcel has offered the City land in fee for street and utility purposes upon annexation, which will allow implementation of a looped water system,

NOW THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS: the Florence City Council finds that the criteria for amendment of the Florence Urban Growth Boundary have been met as documented in the attached Exhibit "A - Urban Growth Boundary Study and Report", and approves retention of Area 1 and Area 2 as depicted in Attachment "B" within the Florence Urban Growth Boundary, and amendment of the Urban Growth Boundary to exclude Area 3 as depicted on Attachment "B".

Page 1 of 2

8-05-2003 1:50PM

FROM FLORENCE COMM DEV 5039974109

P. 5

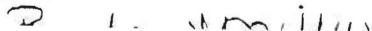
ADOPTED BY THE FLORENCE CITY COUNCIL, THIS 4th DAY OF AUGUST, 2003.

AYES - 4 - Councilors Braley, Brubaker, Lee and Mayor Burns
NAYS - 0
ABSENT - 1 Councilor Osborn

APPROVED BY THE MAYOR this 5th day of August, 2003


Alan Burns, Mayor

ATTEST:



FROM

(MON)OCT 16 2006 15:29/ST 15 28/NO 6359163352 P 4

OCEAN DUNES

GOLF LINKS

RECEIVED
6-15-03
10:30am
June 14, 2003

Mr. Roger Bennett, Town Manager
City of Florence
250 Hwy 101
Florence, Oregon 97439

Dear Mr. Bennett,

This letter is written to request that the southern most 80 acres of Ocean Dunes Golf Links be brought into the Florence Urban Growth Boundary at this time.

Over the past 10 years Ocean Dunes has written numerous letters requesting this and over the past 10 years we have been told it would happen. Now the Planning Commission has decided not to recommend this. Before you, the City Council make the final decision, I feel you should be aware of my reasons to be brought

Of the 80 acres we are talking about, only 27 acres are vacant and available for development, not 80. The remaining 53 acres are in golf holes which I intend to keep.

I have 3 options available to me at this time.

1. Develop this land within the City.
2. Develop this land in the County.
3. Develop this land in conjunction with the casino.

In one way or another the land will be developed. I would prefer to develop within the City. I think the 2 developments I have done, Ocean Dunes Estates and the Cottages at Ocean Dunes have been both innovative, successful and a credit to Florence. That is what I would like to do with this last 27 acres I own.

To develop in the county means septic tanks less than 200ft from the Town well fields, an idea I don't want to see.

To develop with the casino would mean septic tanks, bad press and possible buyer resistance.

At the recent planning commission hearings, there was fears expressed of not enough water. In a letter dated 2002, I told the City I had the permits to drill 2 additional wells on my property and if I was brought into the urban growth boundary and annexed into the City, I would turn over these well permits the City. They would be close to your present well field and easy to access.

I realize that the Council may not be able to guarantee me

OCEAN DUNES

GOLF LINKS

annexation at this time, however, I do not want to be brought into the urban growth boundary and then stalled over annexation. I feel that I have waited longer than I should have had to at this point. I would not want another long wait for annexation.

A few years ago, I met with John Theilacker and he mentioned that the ultimate goal of the City would be to extend 18th Street east to either North Fork or Munsel Lake Road, to provide a better east west connection. I said at that time, and then to Sandy Young 2 years ago and then to you this year, that I would be willing to give the Town land for a 60' road and utilities along the south side of this land in exchange for being brought in to the UGB and annexation. I also mentioned to you last week that I would be willing to dedicate a portion of treed land on the 27 acres for a park along the boundary adjacent to the indian land, provided the City maintain the trails and park. Again, this is offered, if I am brought into the City.

I think if everyone looks at this land and thinks about the development, it makes so much sense. The Town services are at our fence line. This piece of land is surrounded by Town development and this fills in the middle. The land is high and dry and has no environmental issues. It has golf course frontage. It is the biggest piece of development land left in town. We have a great track record. The land will be developed one way or another. Why not bring it into town, reap the reward of the tax base, pick up 2 more wells, a road and utility corridor and a 3-5 acre park?

I thank you for your time to read this plea and I trust the City Council has the foresight to look to the future and make a good decision for the City, based on facts and not fears.

Yours truly,



William G. Robinson
President
Ocean Dunes Golf Links

**Stiven Planning and
Development Services, LLC**
12725 SW 66th Ave., Suite 107
Portland, OR 97223
503/601-8806 (office)
503/597-3668 (fax)

FAX

TO: Erika Palmer 541/997-6814
FROM: Marty Stiven
DATE: November 1, 2006 **PAGES:** 3 (inc. cover)
RE: Ocean Dunes Annexation

Urgent For Review Please Comment
 Please Reply Please Recycle

Please include the attached letter from Branch Engineering in the packet for the City Council public hearing scheduled for November 6.

Thank you.

Marty Stiven

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Branch Engineering, Inc.

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 Springfield, Oregon 97477
 (541) 748-0637
 Fax (541) 746-0389

November 1, 2006

Mr. Randy Curtola
 Ocean Dunes Golf Links
 3345 Munsel Lake Road
 Florence, OR 97439

SUBJECT: City Water Supply relative to proposed annexation of T. L. 400, 900, and 901
 Map 18-12-23

Dear Mr. Curtola,

Currently, the area in the vicinity of the proposed annexation (east Florence) is served by one 10-inch water transmission pipeline. With City Annexation of the 80-acre site, the development would allow construction of watermain distribution lines connecting the east and west areas of Florence with a looped system which would give the vicinity added water benefits, including additional fire flow protection.

Discussions with City of Florence staff at the City water treatment plant and review of water supply records from the plant have indicated the following:

- The City has a total of 12 water wells, with several of these added in the last 3 years. The recent wells added 1.4 million gallons per day (mgpd) capacity to the City. With the added capacity, the City has not used Heceta Water supply during the last 3 years.
- Currently, the total capacity of the City's well system is approximately 3.0 mgpd. A review of the available historical record indicates that during the years of 2003, 2004, 2005, and partial 2006, the year of 2004 experienced the peak water demand year, with July and August of 2004 also having highest monthly water demands.

The average daily water demand for Year 2004.....	1.24 mgpd
The average daily water demand for peak month July 2004.....	2.03 mgpd
The peak daily water demand on August 11 th 2004.....	2.41 mgpd
Again, the current average daily City water capacity is.....	3.00 mgpd

The City of Florence has the additional water capacity to serve the proposed 80 acre annexation site, of which only 27 acres is proposed for development with approximately 120 residential units. These 120 units would have a total water demand of about 60,000 gallons per day or 0.08 mgpd. Some of the remaining acreage includes the existing golf course that is irrigated by a private water well system and not City water.

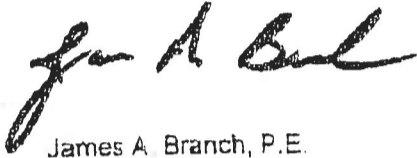
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If you have any questions or need additional information please don't hesitate to call.

Respectfully,



James A. Branch, P.E.
#05-241